

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAWRENCE NORTHERN,

Petitioner,

v.

ANNA BOATWRIGHT, Warden,
New Lisbon Correctional Institution,

Respondent.

ORDER

08-cv-184-bbc

Petitioner Lawrence Northern has filed objections to the report and recommendation entered by the United States Magistrate Judge on July 28, 2008. The magistrate judge recommended denial of petitioner's motion for a writ of habeas corpus under 28 U.S.C. § 2254; petitioner contends that this was error.

I have reviewed the file and the magistrate judge's report and find no error. Petitioner contends that his appellate counsel was ineffective in not raising on direct appeal the issue of trial counsel's ineffectiveness in failing to object both to an amended information and to the trial court's response to a jury question during deliberations. The magistrate judge analyzed petitioner's contention thoroughly and concluded that the state courts' denial of

petitioner's claims of ineffectiveness was not contrary to clearly established federal law or based on an unreasonable application of federal law or an unreasonable determination of the facts. § 2254.

Although petitioner filed extensive briefs in support of his contention and has filed comprehensive objections to the recommendation, he has failed to show any ground on which this court could overturn the state courts' decisions. It was not wrong or misleading for the trial judge to ask the jury to decide on a particular amount of cocaine and it was not prejudicial to petitioner to have to defend against the amended judgment. Therefore, I must deny his petition for a writ of habeas corpus under § 2254.

ORDER

IT IS ORDERED that petitioner Lawrence Northern's petition for a writ of habeas corpus is DENIED.

Entered this 18th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge